International Council of Voluntary Agencies

Conseil International des Agences Bénévoles

TL902-7

ICVA

ICVA STATEMENT TO THE 46TH SESSION OF THE UN COMMISSION ON HUMAN RIGHTS

Item 12. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus

(b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by the Commission at its forty-fifth session

Introduction

The International Council of Voluntary Agencies (ICVA) is an association of 85 international and national NGOs. It represents a wealth of NGO experience, especially in the refugee and development fields, which closely relate to a large variety of human rights issues. ICVA, through its membership, is concerned about human rights violations in all regions of the world. In this brief statement, it is impossible to itemize all these concerns. Regrettably, it is common practice today for many states to seek to use force to implement decisions regarding highly sensitive humanitarian conflicts, rather than to enhance peace processes by involving all parties in negotiations for solutions.

ICVA wishes to commend the growing awareness of the inseparable linkage between sustainable development for all people, protection of the environment and population issues. Any notion that development is exempt from compliance with human rights standards, and that people and the environment can be exploited for the sake of profit alone, must be rejected as outmoded, unsustainable and ultimately self-destructive. The concept of sustainable development makes a commitment to economic and social justice more urgently essential than ever.

Under this agenda item, ICVA would like to focus on the broad question of human rights violations resulting from forms of economic development which threaten the rights of indigenous peoples, the internal displacement of people, and the implementation of internal security legislation. We will then speak briefly to some specific areas which are of particular concern to ICVA members at the moment.

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Indigenous Rights and Economic Development

Abuse of indigenous rights in the name of economic development is evident in many parts of Asia and the Pacific, one of the fastest growing economic regions in the world. Indigenous peoples, often reduced by colonialism to powerless minorities in their own lands, are in special need of international support if their rights and unique cultures are to be protected. This support is particularly vital in the face of large development projects which frequently disadvantage indigenous communities socially, economically and culturally.

The unique life-styles and cultures of the Penan people in Sarawak, Malaysia, of the the tribal people of Irian Jaya, of the isolated communities of the Solomon Islands and, in particular at this time, of the people of Bougainville Island in Papua New Guinea where intense conflict is occurring, are but a few examples of threatened societies. All these indigenous people are adversely affected by commercial ventures to exploit forests and mineral resources and thus suffer human rights abuses for the sake of economic profit.

ICVA urges the Commission and its individual members to develop and insist on more stringent human rights criteria applicable to both private enterprise and official development projects and recommends that indigenous communities affected by development projects be guaranteed a substantial role and full legal support for all stages of the development project cycle.

Internally Displaced Persons

A new category of extremely vulnerable persons has recently thrust itself on the international scene, that of the internally displaced. The reasons for this displacement are varied and include civil conflict, natural disasters and economic conditions - or, as in the cases of Sudan and countries in the Horn of Africa, a combination of the three. In many situations today these individuals, estimated at some 15 million, do not or cannot benefit from protection or assistance from their governments. So far, the needs of these groups have not been approached in a consistent or systematic manner by the international community, but rather by ad hoc initiatives and responses. Furthermore, access by humanitarian agencies to groups such as those caught in civil war situations is often denied by one or both parties to the conflict, resulting in a definite denial of their most basic human rights.

It is important for the UN system to develop clear responsibilities for displaced peoples within its structures. While the UN Secretary-General has now suggested that the UNDP Resident Representative/Resident Coordinator should play the key role in individual countries whenever an emergency situation involving displaced persons arises, there is no focal point to deal with this growing problem on an international level, as there is, for example, with refugees through UNHCR.

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To fill this gap, the UN Commission on Human Rights should consider designating a Special Rapporteur whose mandate would be to deal with the specific problems of uprooted people. In this way, the Commission will begin to address some major situations of human rights violations which have been largely excluded from consideration by the international community for lack of an appropriate forum.

Internal Security Legislation

In recent years, some governments in the Asia-Pacific region have violated internationally accepted standards by resorting to various forms of internal security legislation. In each case, this legislation - which usually provides for indefinite detention without trial - has been used gratuitously to silence legitimate activities and expressions of criticism.

In Singapore, Vincent Cheng and Teo Soh have been detained under these conditions since 1987, while the Singapore Government has furthermore taken steps to shield its Internal Security Act from legal challenge.

In Malaysia, over 100 people, including the leader of the opposition, were detained under the Malaysian Internal Security Act in 1987. Although all have been released, the Act remains in force and its potential to be politically abused has been increased by the subordination of the judiciary to the legislature.

In Indonesia, the Anti-Subversion Law of 1963 has recently been the object of renewed criticism following well-publicized subversion trials in Yogyakarta of Bambang Isti Nugroho, Bambang Subono and Cocki Bonar for their activities in an informal study circle and the possession of various books banned by the Government.

Amnesty International believes all three men are prisoners of conscience and that the trials of the first two (subsequently sentenced to eight and seven years imprisonment respectively) were politically motivated and lacked a clear basis in law. Furthermore, the Indonesian authorities continue to execute people arrested and jailed some 25 years ago. This month, four former soldiers who were sentenced to death nearly 20 years ago were executed. ICVA appeals to Indonesia, on humanitarian grounds, to spare the lives of the other political prisoners awaiting execution.

In Fiji, following two military coups in 1987, the interim Government introduced an Internal Security Decree which restricted many of the fundamental freedoms previously guaranteed under the suspended Fijian Constitution. This Decree has since been lifted, but the absence of a Constitution and of a freely elected Government mean that no guarantees protective of basic rights exist in Fiji today.

ICVA urges this Commission and all UN member states to press for free elections in Fiji and the adoption of a Constitution faithful to internationally recognized human rights.

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South Africa

ICVA welcomes the release of Nelson Mandela and of several other political prisoners, and urges South Africa to release them all and to lift completely the State of Emergency so that rapid progress may be made in dismantling the inhuman apartheid system. ICVA believes that ending apartheid is the cornerstone for a new future for refugees in neighbouring states and for development in the SADCC region.

El Salvador

The human rights situation in El Salvador is alarming and is deteriorating. An ICVA high-level mission visited that country in January 1990 and reported that between 11 November and 15 December 1989, Salvadorian armed forces conducted an apparently systematic operation against most of the popular, church and aid organizations and their personnel. The offices, refugee centres and houses of a large number of these organizations were raided, their property confiscated or destroyed, and their staff detained or deported. Religious organizations were among the most affected: 54 searches were conducted in 40 church facilities or homes. Of the 88 foreign church lay workers in El Salvador, 44 were either expelled or forced to leave the country; all United Nations staff were evacuated from El Salvador after their offices were raided and documents confiscated. Local and international workers who remained went into hiding.[1]

A climate of fear and tension still prevails today in El Salvador and many church, non-governmental and popular organizations have not been able to resume activities. This situation drastically reduces the "space" for immediate humanitarian assistance and reconstruction.

The State of Siege has been extended; it now eliminates the restriction on the freedom of expression, movement and correspondence but maintains the ban on freedom of association and assembly. Under the State of Siege, the authorities are permitted to hold suspects for up to 15 days with no due process of law. Many detentions and/or disappearances are still occurring regularly. There are reported to be almost 200 military points where detainees can be held, rendering systematic access to them by humanitarian agencies extremely difficult.

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[1]Among many other incidents, nine Episcopalians and CREDHO (Social Service Programme) church workers were arrested, their offices and houses ransacked and files, equipment and personal belongings confiscated. Fifteen Luthern church workers (including three nationals and 12 foreigners), in various offices and from the Lutheran Church "La Resurección", were also detained. The foreign lay workers were not charged with any crime but were accused of "collaborating with the guerrillas and hiding wounded combatants"; they left the country after their release. Some of the Salvadorian church workers were released, others were imprisoned.

On 11 February, the aerial rocketting of the refugee resettlement village of Corral de Piedra, Chalatenango, left four children and one adult civilian dead and at least 16 wounded. This incident occurred when the Government armed forces called for air support two hours after fighting began with the FMLN in the vicinity of that village. Access to the area is now virtually closed; church and humanitarian organizations are pressing for an independent enquiry to be made.

Requests from ICVA member agencies and partner organizations include:

- free passage of food and humanitarian assistance to resettlement areas;
- an end to bombings and military presence in resettlement communities;
- unrestricted access to civilian populations for the provision of humanitarian assistance;
- an end to external military support to all sides in the conflict;
- and a negotiated solution to the conflict.

Alarmed and deeply concerned by the situation in El Salvador, ICVA asks the 46th session of the UN Commission on Human Rights to renew the mandate of the Special Rapporteur on El Salvador. We also urge the Commission to include in its resolution the need to open the "space" for humanitarian organizations to operate normally and lift the State of Siege that affects their work.

Cambodia

ICVA urges that all resolutions on Cambodia should include provisions against the return to power of those responsible for past genocidal policies and practices. ICVA believes that those responsible for the mass murders during the Khmer Rouge years should be brought to trial before the International Court of Justice in The Hague.

Cambodians in the border camps should be allowed freedom of choice as to where they live. At the moment, many thousands are held in Khmer Rouge and other Coalition camps against their will. A neutral camp under UN auspices would be the best solution.

As a matter of urgency, ICVA calls on this Commission to send a mission to visit the camps on the Thai/ Cambodian border, to assess the human rights situation and make appropriate recommendations to the UN and to the governments concerned.

Sri Lanka

Very serious human rights abuses have continued to be perpetrated in Sri Lanka in both the north and south. 1989 has seen some of the country's worst explosions of premediated violence, plunging the community to new depths of fear and misery. Acts of terrorism by all the main protagonists

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are believed to be responsible for at least 1,000 deaths a month. The Sri Lankan Government has chosen to ignore widespread extrajudicial killings by vigilante squads. The assassination of human rights defenders has been a particularly odious aspect of this tragic situation. It is to be hoped that the withdrawal of the Indian Peace-Keeping Force, due to be completed by 31 March 1990, will help reduce tensions. However, we emphasize the importance of involving all Tamil groups and the Moslems in the negotiations for a lasting solution to the minority question.

ICVA appeals to the Commission on Human Rights and to all member states of the UN to condemn the violence in Sri Lanka on all sides and to urge respect for fundamental human rights as the path to peace and justice. ICVA urges the Commission to appoint a Special Rapporteur for Sri Lanka to investigate the alleged human rights violations in the country.

East Timor

ICVA welcomes the decision of the Human Rights Sub-Commission to refer the situation in East Timor to this body for consideration and sincerely hopes that the Commission will seek to play a constructive role. ICVA believes this Commission can contribute positively and should start this process by adopting a resolution which clearly expresses belief that a settlement is possible.

ICVA welcomes the Indonesian Government's new policy of openness in East Timor since January 1990 giving greater access to journalists, official guests and tourists to visit some parts of the territory.

It is, however, clear from reports of incidents at the time of the visits of Pope John Paul II, in October 1989, and of the US Ambassador to Indonesia, Mr. John Manjo, on 17 January 1990, that fundamental problems remain and human rights abuses continue to occur.

ICVA therefore calls on the Indonesian Government to allow free access to East Timor for international humanitarian organizations to investigate the human rights situation.

Timorese nationalism is an enduring reality which has produced continued guerrilla resistance. Moreover, since the last session of this Commission, the head of the Catholic Church in East Timor, Bishop Belo, has called repeatedly for a UN-supervised act of self-determination. ICVA urges the Commission and its member states to heed Bishop Belo's moderate proposal that the people of East Timor be allowed to make known their views on the status of the territory.

Conclusion

In conclusion, ICVA would like to endorse the need for world-wide education on human rights, particularly in the areas of identification of the causes of conflict leading to human rights violations and the methodology used to seek fair and just solutions.

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ICVA believes that the 50th anniversary of the Universal Declaration of Human Rights, in 1998, would be an appropriate focus for such an education programme.

Is it too much to hope that the extraordinary progress, in recent times, towards greater freedom and human rights, particularly in Eastern Europe, might catch the imagination of the whole world and that the 21st century might begin in a spirit of hope and be a time when conflicts are settled by negotiation, not force; when people are the prime concern of development, not economic wealth for a few; when hope displaces despair and governments truly represent and reflect the needs, aspirations and rights of all their people.

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